IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

WP(C).No. 25627 of 2005(A)

PETITIONER:

SUSEELA K.V.,
MUNDARKAPARAMBIL HOUSE,
NALANDA ROAD, ELAMAKKARA P.O.,
COCHIN-682 026.

BY ADV. SRI.P.V.ANILKUMAR
SRI.E.D.GEORGE
SMT.SUMITHRADEVI.M.R.
SMT.PRASEEDA K DAS

RESPONDENTS:

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1. BRANCH MANAGER,
KERALA STATE FINANCIAL ENTERPRISES LTD.,
KACHERIPADY, KOCHI-18.

2. DISTRICT EDUCATION OFFICER, ERNAKULAM.

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R2 BY GOVERNMENT PLEADER SMT. SMITHA
R1 BY ADV. SRI.ASOK M.CHERIYAN, SC, K.S.F.E. LTD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF LETTER DATED 7.9.2004 FROM FIRST RESPONDENT RECEIVED BY PETITIONER.

EXT.P2 TRUE COPY OF REPLY SHOWING THE REPAYMENT SENT BY PETITIONER TO FIRST RESPONDENT.

EXT.P3 TRUE COPY OF LETTER DATED 3.8.200T SENT BY 2ND RESPONDENT TO THE SCHOOL AUTHORITIES OF THE SURETIES.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

W.P.C. NO. 25627 OF 2005

Dated this the 6th day of December, 2007

JUDGMENT

Petitioner's case is that the loan availed by the petitioner in 2000 was only Rs. 50,000/-. When the W.P. was filed in 2005, petitioner had already paid Rs. 63,000/- and under interim order dated 30.8.2005 of this Court, petitioner remitted another Rs. 10,000/- totaling the payment to Rs.s 73,000/-. According to the petitioner, liability would have been wiped off, as the petitioner has paid loan amount with 50% thereof towards interest. KSFE has not filed any statement so far. In the circumstances, W.P. is disposed of directing the petitioner to produce details of payments made before the first respondent, for him to verify the accounts maintained by him and to give fresh statement to the petitioner showing the amount due, within two weeks from the date of production of a copy of this judgment by the petitioner. Petitioner is granted six equal monthly instalments to clear the arrears if any, first of which will be paid on or before 20.1.2008 and the balance on or before the 20th of five succeeding months. There will be direction to the first

respondent to waive penal and default interest, if petitioner makes payment in six instalments as above. However, if the petitioner commits default in payment of any instalment, waiver of penal and default interest granted by this Court will stand vacated and respondents will be free to proceed for recovery of entire arrears with such penal and default interest.

(C.N. RAMACHANDRAN NAIR)
Judge